

Attorney Docket No.
TARA1170

Serial No. 09/759,868
Customer ID: 25094

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REMARKS

Favorable reconsideration of this application is requested in view of the foregoing amendments and the following remarks. Claims 1-17 and 24-29 are pending in the application. Claims 24-29 are newly presented. Claims 18-23 are canceled without prejudice or disclaimer.

At pages 2-3 of the Action, dated May 5, 2004, the Examiner discusses a restriction requirement. Applicant affirms the election of Group I, claims 1-17. Claims 18-23 are cancelled without prejudice or disclaimer.

The claims are amended in order to more clearly define the invention, support for which is found in the figures and related parts of the specification. Claims 1, 11, 13-15 and 17 are slightly broader and/or revised to improve their cosmetics and, therefore, are not narrowed. Support for new DEPENDENT claims 24-29, is found in originally filed claims 18-23. The Examiner notes at page 2 of the Action dated May 5, 2004 that the subject matter of Group II (i.e., original claims 18-23) is a subcombination disclosed as useable together in a single combination together with the subject matter of Group I. Since Applicant has explicitly elected claims 1-17, canceled claims 18-23 without prejudice or disclaimer, and all of new DEPENDENT claims 24-29 include all of the limitations of INDEPENDENT claim 15 the new claims 24-29 are merely combination claims, and Applicant has, therefore, completely replied to the requirement. Applicant reserves the right to file a divisional application directed to the subcombination subject matter of claims 18-23.

Other than as explicitly set forth above, this reply does not include acquiescence to statements by the Examiner. In view of the above, all the claims are considered patentable and allowance of all the claims is respectfully requested. The Examiner is invited to telephone the undersigned (at direct line 512-457-7233) for prompt action in the event any issues remain.

No fee is due for filing this Reply because it is being filed with the shortened statutory period for response as set in the Office Action dated May 5, 2004.

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The Commissioner is hereby authorized to charge any fees or credit any overpayments to
Deposit Account No. 50-0456 of Gray Cary Ware & Freidenrich, LLP.

Respectfully submitted,

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